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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,897	03/01/2002	Andrew Perkins	A-71304/ESW	4526

7590

06/23/2003

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EXAMINER

HUYNH, LOUIS K

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/087,897

Applicant(s)

PERKINS ET AL.

Examiner

Louis K. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group 1, claims 1-7, 13-15 and including new claims 16-20, in Paper No. 8 is acknowledged.
2. Claims 8-12 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Specification

3. The disclosure is objected to for lacking proper headings in the specification. Applicant is respectfully requested to provide proper headings in compliance with current U.S. practice.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simhaee (US 6,423,166) in view of Skalsky et al. (US 4,936,079).

Simhaee discloses a machine for making air-filled packing cushions from a roll (39) of prefabricated film material having two layers (10 and 16) that are sealed together to form a longitudinally extending inflation channel (15) near one edge of the material, a plurality of chambers (12) to one side of the channel (15), and inlet passageways (14) extending laterally between the inflation channel (15) and the chambers (12), including an air injector (30) position

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for directing air via the inflation channel (15) to inflate the chambers (12); a sealing unit (36, 38) for forming a longitudinal extending seal across the inlet passageways (14) (column 3, lines 41-54); and means for feeding the film material (column 3, lines 34-37). The apparatus of Simhaee meets all of applicant's claimed subject matter but lacks the specific teaching of a pair of spaced apart, horizontally extending rollers on which the roll of film material rests. However, Skalsky discloses a known roll support assembly including a pair of spaced apart, horizontally extending rollers (84) for supporting a roll of material (154) so that loading of new material can be performed with the least time consuming. Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the apparatus of Simhaee by having provided a pair of spaced apart, horizontally extending rollers, as taught by Skalsky, in order to support the roll of material and to facilitate loading and unloading the roll of material with the least time consuming.

With respect to claim 7, Simhaee teaches a method of making air-filled packing cushions from a roll of prefabricated film material (39) including the steps of: feeding the film material from the roll to the air injector (30); introducing air into the chambers (12) of the film material through the air injector (30) via the inflation channel (15) to inflate the chambers (12); and forming a longitudinally extending seal across the inlet passageways (14) between the inflation channel and the chambers (12). The method of Simhaee meets all of applicant's claimed subject matter but lacks the specific teaching of the step of resting the roll of film material on a pair of spaced apart, horizontally extending rollers. However, Skalsky discloses a known method of supporting a roll of material using a roll support assembly including a pair of spaced apart, horizontally extending rollers (84) for supporting the roll of material (154) so that loading of new

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material can be performed with the least time consuming. Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the method of Simhaee by having provided a step of resting the roll of film material on a pair of spaced apart, horizontally extending rollers, as taught by Skalsky, so that the roll of film material can be placed on the roll support and ready to be dispensed with the least time consuming.

With respect to claims 16, 17, 19 and 20, the inflation channel (15) of the roll (39) of material would have been pinched closed by one of the support rollers in the modified machine and the arrangement of the roll of material on the support rollers is obvious as a matter of choice since it does not solve any stated problem insofar as the record is concerned and thus does not patentably distinguish the claimed invention over the applied prior art.

6. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1 and 4 above; and further in view of Larson et al. (US 4,017,351).

The modified machine of Simhaee including the sealing unit (36, 38) which meets most of applicant's claimed subject matter but lacks the specific teaching of the sealing unit including a stainless steel cylindrical heating element and a wheel urged together. However, sealing unit including a stainless steel heating element and a wheel urged together is well known in the art; for example, Larson discloses a device for providing air inflated cushioning material including a cabinet (30) for supporting the working elements of the device and a sealing unit including a stainless steel heating element (44) and a wheel (41) cooperating to heat seal the inlet passageways (20) of the cushioning material (12). Therefore, it would have been obvious to a

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person with an ordinary skill in the art, at the time the invention was made, to have further modified the machine of Simhaee by having provided a heating unit comprising a stainless steel heating element and a wheel, as taught by Larson, in order to seal the inlet passageways between the inflation channel and the chambers. The modified machine of Simhaee in view of Larson meets all of applicant's claimed subject matter but lacks the specific teaching of the heating element being a cylindrical in shape. However, the specific shape of the heating element is obvious as a matter of engineering design choice since it does not solve any stated problem insofar as the record is concerned and thus does not patentably distinguish the claimed invention over the applied prior art.

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simhaee (US 6,423,166) in view of Skalsky et al. (US 4,936,079); and in view of Larson et al. (US 4,017,351).

Simhaee discloses a machine for making air-filled packing cushions from a roll (39) of prefabricated film material having two layers (10 and 16) that are sealed together to form a longitudinally extending inflation channel (15) near one edge of the material, a plurality of chambers (12) to one side of the channel (15), and inlet passageways (14) extending laterally between the inflation channel (15) and the chambers (12), including an air injector (30) positioned for directing air via the inflation channel (15) to inflate the chambers (12); a source of air connected to the air injector (inherent); a sealing unit (36, 38) for forming a longitudinal extending seal across the inlet passageways (14) (column 3, lines 41-54); and means for feeding the film material (column 3, lines 34-37). The apparatus of Simhaee meets all of applicant's

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claimed subject matter except for a pair of spaced apart, horizontally extending rollers on which the roll of film material rests. However, Skalsky discloses a known roll support assembly including a pair of spaced apart, horizontally extending rollers (84) for supporting a roll of material (154) so that loading of new material can be performed with the least time consuming. Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the apparatus of Simhaee by having provided a pair of spaced apart, horizontally extending rollers, as taught by Skalsky, in order to support the roll of material and to facilitate loading and unloading the roll of material with the least time consuming.

The modified machine of Simhaee including the sealing unit (36, 38) which meets most of applicant's claimed subject matter but lacks the specific teaching of the sealing unit including a stainless steel cylindrical heating element and a wheel urged together; and a cabinet. However, cabinet and sealing unit including a stainless steel heating element and a wheel urged together is well known in the art; for example, Larson discloses a device for providing air inflated cushioning material including a cabinet (30) for supporting the working elements of the device and a sealing unit including a stainless steel heating element (44) and a wheel (41) cooperating to heat seal the inlet passageways (20) of the cushioning material (12). Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the machine of Simhaee by having provided a cabinet and a heating unit comprising a stainless steel heating element and a wheel, as taught by Larson, in order to support the working elements of the machine and to seal the inlet passageways between the inflation channel and the chambers. The modified machine of Simhaee in view of Larson meets all of

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applicant's claimed subject matter but lacks the specific teaching of the heating element being a cylindrical in shape. However, the specific shape of the heating element is obvious as a matter of engineering design choice since it does not solve any stated problem insofar as the record is concerned and thus does not patentably distinguish the claimed invention over the applied prior art.

Regarding the limitation of the source of air being within the cabinet, the arrangement of the source of air is obvious as a matter of engineering design choice since the location of the source of air does not solve any stated problem insofar as the record is concerned and thus does not patentably distinguish the claimed invention over the applied prior art.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 4 above; and further in view of Murakami (US 5,581,983).

The modified machine of Simhaee meets all of applicant's claimed subject matter but lacks the specific teaching of the means for feeding the film material including dual feed rollers positioned on opposite sides of the inflation tube. However, Simhaee teaches that conventional rollers could be used for feeding the material (column 3, lines 34-37). Furthermore, Murakami discloses a gas injection device for making cushioning material including an air inflation tube (23) and dual feed rollers (21) positioned on opposite sides of the inflation tube for feeding the film material (12) through the inflation tube. Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have further modified the machine of Simhaee by having provided dual feed rollers, as taught by Murakami, in order to feed the film material through the air injector.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied prior art.

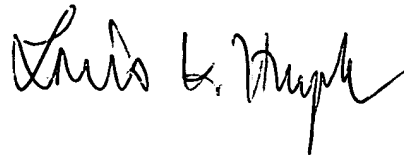
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694.

The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Louis K. Huynh
Patent Examiner
Art Unit 3721



LH
June 16, 2003